

LAW OFFICES OF MICHAEL W. AYOTTE

Illinois Doe 1's request for an extension of time to answer is granted. The parties should submit a Rule 26(f) report by April 13, 2020. The parties should appear for a conference on April 14, 2020 at 4:30 PM. The Court will decide any application for leave to file an amended complaint when the parties have briefed the issue. The discovery stay is lifted for remaining claims once the parties have held the Rule 26(f) conference. But document requests can be served prior to the Rule 26(f) conference.

SO ORDERED.

March 2, 2020

NEW YORK, NY

U.S.D.J., Part I

VIA ECF

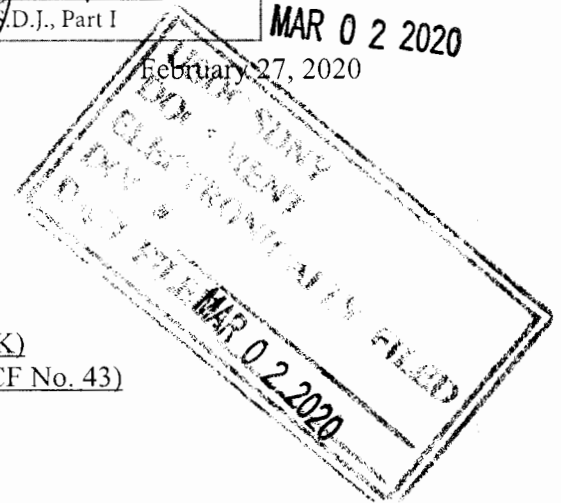
The Honorable John G. Koeltl
United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Courtroom 14A
New York, NY 10007-1312

Re: Watson v. NY DOE 2, et al. (1:19-cv-00533-JGK)
Plaintiff's Request to Lift Stay of Discovery (ECF No. 43)

Dear Judge Koeltl,

Plaintiff submits this reply to Illinois Doe 1's letter response dated February 26, 2020, seeking leave to file an answer after the time limits set forth by Rule 12(a)(4) of the Federal Rules of Civil Procedure ("FRCP"). ECF No. 104. Plaintiff has no objection to Illinois Doe 1's request for a fourteen (14) day extension to file her answer. Plaintiff does, however, strenuously object to Illinois Doe 1's unfounded request that "plaintiff be deemed to have waived his opportunity" to later request leave of the Court to further amend his pleadings. ECF 104 at 1. As the Court is aware, all of the individuals responsible for the defamatory posts published on the Diet Madison Avenue Instagram account are actively hiding. Plaintiff anticipates that discovery from both the parties and nonparties will reveal further information that will allow him to link other individuals to those defamatory posts. Based on any such newly discovered information, Plaintiff reserves his right to request leave to further amend his pleadings to reflect that information.

Finally, it should be noted that Illinois Doe 1 has not objected to Plaintiff's request to lift the stay of discovery, as she cannot, given that Plaintiff now has valid claims of defamation against her and NY Doe 2, and is entitled as a matter of right to obtain all discovery relevant to those claims. FRCP 26(b)(1). That discovery cannot begin until the Court lifts the discovery stay and schedules an FRCP 26(f) Conference as requested by Plaintiff. Plaintiff anticipates that such a Conference will be scheduled at least twenty-one (21) days out to allow the parties the required time to meet and confer and develop a discovery plan pursuant to FRCP 26(f)(1)-(3).



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Based on the above and the reasons set forth in Plaintiff's letter motion of February 26, 2020, Plaintiff respectfully requests that the Court lift the discovery stay and set an FRCP 26(f) Conference as soon as practicable based on the Court's schedule.

Respectfully submitted,

s/ Michael W. Ayotte

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cc: All counsel of record via ECF